

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHELLY ACUNA and MIGUEL RODRIGUEZ ,

Defendant.

8:17CR210

ORDER

This matter is before the court on Defendant Acuna's Unopposed Motion to Continue Trial [45], the Amended Motion to Continue Trial [49] and Defendant Rodriguez's Unopposed Motion to Continue Trial Date [47]. Counsel advises that plea negotiations are ongoing and additional time is needed to negotiate a plea. Defendant Acuna has complied with NECrimR 12.1(a). Defendant Rodriguez shall comply with NECrimR 12.1(a). For good cause shown,

IT IS ORDERED that the defendant's Unopposed Motion to Continue Trial [45] is denied as moot. The Amended Motion to Continue Trial [49] and Motion to Continue Trial Date [47] are granted as follows:

1. The jury trial, **as to both** defendants, now set for October 17, 2017 is continued to **January 9, 2018**.

2. Defendant Rodriguez shall file an affidavit required by paragraph 9 of the progression order and NE.CrimR 12.1(a) forthwith.

3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and January 9, 2018**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

Dated this 13th day of October, 2017.

BY THE COURT:

s/Susan M. Bazis
United States Magistrate Judge